

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

TIMMY A. TAYLOR AND DEBORAH TAYLOR, )  
  )  
Plaintiffs,                                 )  
  )  
vs.    ) Case No. 4:09CV536 HEA  
  )  
COTTRELL, INC. and AUTO HANDLING CORP., )  
  )  
Defendants.                                 )

**OPINION, MEMORANDUM AND ORDER**

This matter is before the Court on Defendant Cottrell, Inc.'s Motion Regarding Choice of Law Decision, [Doc. No. 426]. Plaintiffs oppose the motion.

Plaintiffs brought this action for two alleged injuries. The Court dismissed Plaintiff Timmy's neck and back injury claim based on the Court's finding that Plaintiffs lacked sufficient evidence to create a triable case, since the Court excluded Plaintiffs' expert. Subsequently, the United States Court of Appeals for the Eighth Circuit reversed this Court's Order granting summary judgment on Plaintiff Timmy's neck and back injury. As such, this injury is presently in the case.

One alleged injury occurred in Indiana; one injury occurred in Illinois. Defendant originally argued that Indiana law should apply because it is the state where the only remaining injury occurred. Since the Eighth Circuit has rendered its opinion that the Court's dismissal was erroneous, there are now two states where the injuries occurred.

Accordingly,

The parties are ordered to submit on or before October 13, 2015, briefs to the Court addressing the choice of laws issues as they relate to the two alleged injuries

Dated this 30<sup>th</sup> day of September, 2015.



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HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE